Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/812,255	DIMAMBRO, FRANCESCO R.
Document Code - DISQ	**Internal Document – DO NOT MAIL**	

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : December 4, 2007	**This patent is subject to a Terminal Disclaimer**	

Approved/Disapproved by:
Henry D. Jefferson

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	14-Dec-07	APPL. S. N:	10812255
To Examiner:	VU, THONG	Art Unit	2619
From	Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

☑ The T.D. is PROPER and has been recorded (see 14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

  ☐ The TD fee of |_____| has not been submitted nor is there any authorization in the application file for the use of a deposit account

  ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).

  ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).

  ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).

  ☐ The person who signed the T.D.:

    ☐ is not an attorney "of record" (see 14.29 and 14.29.01).

    ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).

    ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).

  ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).

  ☐ The T.D. is not signed (see 14.26 & 14.26.03).

  ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).

  ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).

  ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).

  ☐ Other: |_____|

  ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials:_____ Date:_____   Log Date:

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER AN ISSUED PATENT

In re Application of: Francesco DiMambro
Application No.:   10/812,255
Filing Date: 29 March 2004
Title: Method and Apparatus for Transferring Multiple Packets From Hardware

     The owner*, Sun Microsystems, Inc. of a 100 percent interest in the above-identified instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal of prior Patent No. 6,480,489. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

     In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R § 1.321, has all claims canceled by a reexamination certificate, is reissued, in is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer.

[x]   A terminal disclaimer fee of $130 under 37 C.F.R. § 1.20(d) is included herewith. ·

[ ]   As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further, that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<div align="center">Respectfully submitted,</div>

By   /Anthony Jones/
       Anthony Jones (Attorney of Record)
       Registration No. 59,521

Date: 4 December 2007

PARK, VAUGHAN & FLEMING LLP
2820 Fifth Street
Davis, CA 95618-7759
(530) 759-1666

*Certification under 37 CFR § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).